

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING: Wednesday, February 19, 2014, 1:45 p.m., Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE: Cathy Beecham, Michael Cornelius, Tracy Corr, Maja V. Harris, Chris Hove, Jeanelle Lust, Lynn Sunderman and Ken Weber. Dennis Scheer absent.
OTHERS IN ATTENDANCE: Miki Esposito, Roger Figard, Randy Hoskins, Thomas Shafer, (Public Works); Bob Simmering (DSC); Marvin Krout, David Cary, Steve Henrichsen, Michele Abendroth (Planning Department); other interested parties.
STATED PURPOSE OF MEETING: "Street Planning and Street Building", including - Access Management Policy; Local Street Improvements Built Through The Subdivision Process; and Streets Built By The Petition Process

The meeting continued after the Planning Commission regular meeting and began at 1:46 p.m. The Nebraska Open Meetings Act was acknowledged.

Krout stated that this is a briefing of several streets topics, and they would encourage the Commissioners to ask questions. The issues brought up at recent meetings were access management and streets in subdivisions.

Hoskins began with the Access Management Policy, which was adopted in January 2012. Access management is to control traffic smoothly and safety. The reasons to have an Access Management Policy are for sustainability, safety, efficiency and economic vitality. When we look at access, there are several categories and hierarchies of streets, which help us control access. One of the things they looked at was the existing neighborhoods and how we can continue to allow infill development and trying to make it realistic so things can still happen.

Some of the new things that came out of this policy are access spacing requirements, turn lane requirements, throat length requirements, on-site storage requirements, traffic impact study requirements, deviation procedures. He briefly reviewed each of these requirements.

After two years of the policy being in effect, it is working very well. There have been 10 deviation requests. The City and developers are working well together to resolve access issues.

Beecham asked how pedestrian access fits into the access management policy. Hoskins stated one of the big things with turn lanes is that they allow traffic to slow down and scan for pedestrians better. The throat lengths are a positive as well as it allows drivers to stop outside the pedestrian access.

Harris asked how this policy would affect bringing buildings up to the property line. Hoskins responded that generally that pushes the driveways farther away from the corners which is a

good thing. If people are creative enough, usually a solution can be found even on a very small site. Krout stated that in the end, it is case by case.

Henrichsen then introduced the next topic of subdivisions. He is going to explain the part of the process that is typically not in front of Planning Commission, as these are more administrative now. Recently, there was a project at Stone Creek Addition at 82nd and Old Cheney. It was one big 10 acre lot to start with. It came forward for a CUP and it laid out the lots in a preliminary fashion. It had a public hearing and was approved. The next step is to do a final plat. This is the time that the streets are actually dedicated to the public. It is also the opportunity that the taxes have to be brought up to current, utility easements granted and any lien holders have to sign the plat. If there is a common open space, it gives the property developer the right to create a homeowners association to maintain that property in the future. The responsibilities pass from lot owner to lot owner as well. For all of the local improvements, there has to be a guarantee for those improvements as part of the subdivision. We track those bonds, and follow up if the improvements are not made.

Simmering then explained the development process for a subdivision. Inside development boundaries, we have collector streets and residential service streets and local access streets. All the interior development is funded by the developer. When those are approved, there is an executive order to authorize that construction and performance bonds to make sure it is done correctly and is completed. In some of the urban development projects and infill projects, there is TIF funding available. That part of the process is simple and straightforward. It is gets more complicated when you get to the boundary of the subdivision. Normally, the adjacent street pavement to any development is funded by the developer. On arterials, if there is a development adjacent, the developer funds the turning lane. In some cases, that outside boundary improvement is postponed when the developer faces an outlot adjacent to the street. In that case, he is not required to pave that street. There are some other interesting facets of the process. There are impact fees that are collected on new development lots. In some cases, those funds can be designated for improvements on nearby streets. That process is a little bit in flux right now. When someone is asking for a variance from the standard or normal process, we need to look to see if they are trying to compromise quality of life. Quality of life components drive the values up.

Simmering noted that one of the other issues is the use of private streets in some residential developments. Some requests come through to request private streets to reduce costs, and that would be a red flag that there is some defect in the overall project, and it needs to be looked at.

Beecham asked if there is a value to having streets extended before the next adjacent area is developed. Simmering stated that most developments would not require a person to pave that street because he has no benefit. The person who has the 30 or 40 acres has the benefit. His assessment is that whoever laid out the first subdivision is the person who created the problem. Once that was platted, it's there forever as a platted road. In many cases, that is not

a requirement in a development to do a road that is not serving access. Henrichsen stated that it is standard in Lincoln that all roads, water and sewer are extended from one to the next. In a very general sense, that is our requirement and has been for decades.

Beecham asked if there are any requirements for the number of access points into a subdivision. Henrichsen stated that there is a standard that there shouldn't be more than 40 dwelling units with only one way in.

Harris asked about the process when the City collects on bonds. Simmering stated that in new developments, they phase the project. The bond is not cashed unless the person doesn't do the work. Henrichsen stated that there is a lengthy process. First, they notify the developer giving them a chance to get the work done. We give them a period of time to get the improvements done, but there comes a point where the City Attorney may be involved. Simmering stated that most of the work that wasn't completed was sidewalks and street lights.

Shafer began with the next section, existing streets that are not paved or are substandard. He noted that there are three kinds of streets: unpaved streets, which are gravel or rock; substandard streets, which may be paved but lack some element that is required by the standards; and streets that are up to standards. An arterial has a general city-wide benefit and are used to move traffic around the city. City funds will be used to pave this street. A collector also has a city-wide benefit and city funds will be used to pay for the extra width. The benefitted properties are going to pay for the unpaved or substandard portions of that. On the substandard street that already has paving, we can only assess what the property adjacent to it receives from the benefit. Local streets are used to get to and from people's property and are for their benefit. If it is an unpaved street, it will all be assessed to the benefitted property.

Shafer then explained the special assessment process. These are not only for streets but other services as well such as water mains. The service that comes off the abutting street and goes all the way up the block and goes to their house is something they have to maintain all the way from their house back to the main. It is the same thing with wastewater. What would generally happen is that an abutting property owner would come forward and want to get the street paved. So they would forward the request to the City Clerk, and Public Works would see if it meets the definition of a special assessment district. It would then go to a committee made up of Planning, Public Works, Finance and the Mayor's Office. They will look at the request and ultimately recommend if it will go to City Council. There will be a hearing, and in the case of unpaved or substandard streets, they will create a paving or repaving district. It is up to the adjacent property owners to come back and petition 50% of the property owners to agree with the paving. It then goes back to City Council who will order it constructed. It is not the quickest or happiest process. After it is ordered constructed, Public Works will take over the project and get bids. Usually people are really excited to get their street paved, but then when they get the bill and see what their neighbors voted on, they are not so happy about it. So it can pit neighbor against neighbor.

Beecham asked about a road that has a lot of potholes and if you can do an assessment district to resurface a street. Shafer stated that an assessment district is not for resurfacing a street.

Figard added that the assessments are levied by the City Council, so property owners have an opportunity to talk about those. Council can waive, modify, or adjust those fees if they feel it is appropriate.

Figard stated that today sidewalks are a part of the building permit. In the residential areas, we are not asking for bonds for sidewalks. It is not the developer building the sidewalk, it is the homebuilder. Lust asked when that changed. Henrichsen stated that we still require bonds for sidewalks in outlots and commercial property. For many years, we had bonds for subdivisions for residential sidewalks. But with residential, since Building & Safety is inspecting to see if there is a sidewalk, a building permit and occupancy permit won't be issued until the sidewalk is done, so we thought maybe we don't need the bond. The City Attorney has a list of older bonds where there are some older subdivisions when they didn't post a bond for the sidewalk, and there are some sidewalks that didn't get done. So we don't give the bond back until the developer until that part of the sidewalk is done. Figard stated that to try to avoid that, we require that sidewalk to be part of the street paving adjacent to that outlot.

The meeting adjourned at 2:56 p.m.

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